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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,128	09/17/2003	Daniel A. Martinez	DP-310000	3467

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,128	Applicant(s) MARTINEZ ET AL. M	
	Examiner Joseph F Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-26 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 16-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 9, 10, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,690,356 to Lane, Jr.

Lane, Jr. discloses a detection device that includes all the limitations recited in claims 1, 2, 4, 9, 10, and 12-15. Lane, Jr. shows a detection device having a housing (Fig. 2), a moveable member 82 (Fig. 2) slidably received within the housing and including a slide portion and an actuating end, a sensing switch 80 (Fig. 2) to detect the movement of the movable member and providing a detectable signal when the movable member is moved that is received by a controller of an airbag module (see column 2, lines 49-53), and a Hall effect device of the sensing switch (see column 2, lines 47-49) wherein the movable member is biased into a first position (see Fig. 2), the movable member must be moved from the first position to allow a hook 52(a) (Figs. 2 & 3) to engage the anchor, and the housing is capable of being fixedly secured to a universal anchor. The description of the detection device inherently discloses the method for determining whether a securement member is secured to a universal anchor.

3. Claims 1-4, 8-10, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,419,199 B1 to Skofljanec et al.

Skofljanec et al. disclose a detection device that includes all the limitations recited in claims 1-4, 8-10, and 12-15. Skofljanec et al. show a detection device having a housing 11,31 (Fig. 5a), a moveable member 13 (Fig. 5b) slidably received within the housing and including a slide portion with a magnet 21 (Fig. 3a) and an actuating end, a sensing switch 17 (Fig. 3a) to detect the movement of the movable member and providing a detectable signal when the movable member is moved that is received by a controller of an airbag module, and a Hall effect device 19 (Fig. 3a) of the sensing switch wherein the housing is capable of being fixedly secured to a universal anchor, the movable member is biased into a first position (see Fig. 3a), and the movable member must be moved from the first position to allow a hook 3 (Figs. 3a-4) to engage the anchor. The description of the detection device inherently discloses the method for determining whether a securement member is secured to a universal anchor.

Response to Arguments

4. Applicant's arguments filed 18 February 2005 have been fully considered but they are not persuasive. Applicant argues that Lane, Jr. and Skofljanec et al. each fail to disclose a detection device having a movable member that must be moved from the first position to allow a hook to engage the anchor, as recited in amended claims 1 and 13. Examiner assumes that Applicant is referring to a hypothetical hook not referenced in Lane, Jr. or Skofljanec et al. that is so small as to not slide the movable member from

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the first position. However, Figures 2 and 3 of Lane, Jr. and Figures 3a-5 of Skofljanec et al. show typical hooks used in universal anchors of child seats wherein the movable member must be slid from the first position in order for the hook to engage the anchor. Therefore, Lane Jr. and Skofljanec et al. teach all the limitations recited in amended claims 1 and 13. The fact that the Applicant may contemplate atypical types of hooks that may or may not slide the movable member does not undermine the teachings of Lane, Jr. or Skofljanec et al. Please note that employing this line of reasoning may result in a 35 USC 112, first paragraph, rejection of claims 1 and 13 as lacking enablement because a hypothetical thin metal hook having substantially no thickness may be slid around and engage the anchor of the instant application without sliding the movable member from the first position.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JE
May 15, 2005



Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600